

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:07-CR-259-1FL

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
SIMON PEREZ FAISON,)	
)	
Defendant.)	

This matter comes now before the court upon defendant's motion to reduce his financial obligation, where defendant was sentenced on 3/13/08 to 121 months imprisonment, followed by five years supervised release. He was ordered to pay \$790.00 in restitution plus a \$4,000 fine, in addition to the \$200 special assessment. Restitution is joint and several with his co-defendants (Marcus Robert Williams 5:07-cr-259-2FL and Thomas Matthew 5:08-cr-39-1FL). Interest was waived for both the restitution and fine.

Defendant informs he has paid the restitution and special assessment in full. He complains of allegedly unfair garnishment of his wages for payment of this restitution, without similar remedy being exerted against the co-defendants. Defendant seeks that the court deem the amount he has paid be entirely sufficient as payment towards his total monetary penalties, and that the court award reimbursement to him of any amount over the percent of the total for which he asserts he is responsible that has been overpaid by him. Defendant also seeks that he not be subjected to further garnishment.

The government has filed a response in opposition basically stating that defendant has misinterpreted the court's judgment regarding the issue of restitution being joint and several with the co-defendants. Further, the government contends that this court cannot amend the judgment and that

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once the judgment is final, it may only be amended if it is reversed by an appellate court or if some statute or rule allows for its amendment or modification.

The government's position is correct under law. This court is without authority to amend the judgment at issue. For this reason, defendant's motion must be and is DENIED.

SO ORDERED, this the 24th day of October, 2014.



LOUISE W. FLANAGAN
United States District Judge